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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,973	02/02/2004	John Wootton	2/1219US	8988

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT PAPER NUMBER

1724

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/769,973

Applicant(s)

WOOTTON ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/25/05</u> . | 6) <input type="checkbox"/> Other: ____  |

20

***Claim Rejections - 35 USC § 112***

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The statement "ECU is a field deployable ECU (FDECU) or light ECU (LECU) as used by the United States military" is unclear, ambiguous and indefinite.

The use of the trademark "Bluetooth" has been noted in claim 6. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 1724

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuda et al (5,489,319).

Tokuda et al discloses a filtration unit comprising a first air flow path (6 in Fig. 10) wherein air passes through the filtration unit and to the ECU (7) without air passing through a filter (3 or 3'), a second air flow path (2) wherein air passes through the filtration unit and to ECU (7) through a filter (3), a third air flow path (15'), wherein the second and third air flow path includes a blower (18), and a controller ECU (7) allowing the filtration unit to switch from passing air through the first air flow path to the second air flow path and vice versa via valves (8, 8' & 9) without the filter being removed, and the switching can be performed with or without human intervention. Tokuda et al further disclose a method of providing filtered air and unfiltered air to a control unit comprising the steps of having a filtration unit with at least two air paths and a controller, flowing air through a first of at least two air paths and through a filter unit, and allowing the controller to switch air flow from the first to the second air path or vice versa. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filtration unit as taught by Tokuda et al to provide the flexibility to operate the system at optimal condition without the down time of changing the filter units.

Claim 8 calls for the second air flow path and the third air flow path being symmetrical. It would have been obvious to one having ordinary skill in the art at the

Art Unit: 1724

time the invention was made to provide the second and third air flow paths being symmetrical since it has been held that rearranging parts of an invention involves only routine skill in the art. See In re Japikse, 86 USPQ 70.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuda et al (5,489,319), in view of Rick et al (5,925,172).

Claims 5 and 6 call for the command of ECU being sent via wireless technology. Rick et al disclose a control system can be a wireless device (see col. 6, lines 36-38). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a control system being wireless as taught by Rick et al in the apparatus of Tokuda et al since the wireless device would be a convenience to the user to operate the system without lots of wiring attached.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Grantham (6,149,699) discloses an apparatus related to disposable filter modules.
- Garcia (6,168,085 B1) discloses a system for controlling temperature and humidity of semi-conductor manufacture environments.
- Perrotta et al (6,402,812 B1) disclose a filtered environmental control system.
- Kumagai (6,090,187) discloses an apparatus for removing particulates.

- Hayashi et al (4,934,142) disclose the exhaust emission control device for a diesel engine.
- Laiti (6,796,896 B2) discloses an environmental control unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit: 1724**  
**April 22, 2005**